

Public Chapter 379

HOUSE BILL NO. 1424

By Representative Hassell

Substituted for: Senate Bill No. 801

By Senator Person

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 1, Part 1, relative to adoption.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-1-113(f), is amended by deleting subdivisions (3), (4) and (5) and by substituting instead the following:

(3) That the incarcerated parent or guardian has the right to participate in the hearing and contest the allegation that the rights of the incarcerated parent or guardian should be terminated; and, at the discretion of the court, such participation may be achieved through personal appearance, teleconference, telecommunication or other means deemed by the court to be appropriate under the circumstances;

(4) That if the incarcerated parent or guardian wishes to participate in the hearing and contest the allegation, such parent or guardian:

(A) If indigent, will be provided with a court-appointed attorney to assist the parent or guardian in contesting the allegation; and

(B) Shall have the right to perpetuate his or her testimony or that of any witness by means of depositions or interrogatories as provided by the Tennessee rules of civil procedure; and

(5) If, by means of a signed waiver, the court determines that the incarcerated parent or guardian has voluntarily waived his or her right to participate in the hearing and contest the allegation, or if such parent or guardian takes no action after receiving notice of such rights, the court may proceed with such action without the parent's or guardian's participation.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.